

MEMO ENDORSED



Proskauer Rose LLP Eleven Times Square New York, NY 10036-8299

December 19, 2023

Via ECF

The Honorable Jennifer H. Rearden
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

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Re: *United States v. Martin Handler*, 23 Cr. 004 (JHR)

Dear Judge Rearden:

We are new counsel to defendant Martin Handler. On behalf of Mr. Handler (Martin) and his brother and co-defendant Isidore Handler (Isidore), we respectfully request permission for the Handlers to travel to Israel to attend a memorial service and tombstone unveiling for their father at his grave on December 29, 2023. The Handlers would leave on December 27 and return on January 1—the minimum duration of a trip without travel on the Sabbath (as December 29 is a Friday). The Handlers’ wives and their children would remain in New York.¹

As the Court will recall, the Handlers’ father passed away on September 29, 2023. That same day, the Handlers requested permission to travel to Israel, where the funeral and burial would take place. Dkt. 146. The government objected. Dkt. 148. The Court granted the request later that day. Dkt. 150. Unfortunately, because Jewish tradition requires burial to occur as soon as possible after death (often the very next day), the Handlers were unable to make travel arrangements in time. Accordingly, they did not leave the United States and they missed the funeral and burial.

On October 4, 2023, the Handlers requested permission to travel to Israel to attend the memorial service and tombstone unveiling for their father, another Jewish tradition, which was scheduled to occur on October 16. Dkt. 152. The government maintained its opposition for the reasons set forth in its prior submission. *See id.* (quoting government’s position). On October 6, the Court denied the request without prejudice to renew the application upon the provision of additional information and proposed temporary enhancements to the Handlers’ bail conditions. Dkt. 153. On the next day, October 7, war broke out in Israel after the massacre by Hamas. On October 12, the Court issued an order denying the October 4 request with prejudice, citing the war and “challenges associated with outbound travel.” Dkt. 156. Due to the war, the family postponed the memorial service and tombstone unveiling for a later date.

¹ Counsel for Isidore respectfully join in the requests set forth in this letter. Isidore pleaded guilty before the Court on September 6, 2023. Martin is currently engaged in plea negotiations with the government.



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The Handlers now respectfully request permission to attend the memorial service, which has been rescheduled for December 29. Currently, El Al flights are regularly running between Tel Aviv and New York. In support of this request, we attach a letter from the *Chevra Kadisha* in Jerusalem, the Jewish religious organization that will oversee the memorial service (*see* Ex. 1). As stated above, this is the minimum duration of a trip that will not necessitate travel on the Sabbath.

As set forth in prior counsel's previous submissions, neither Handler is a flight risk. Both own homes in New York; have businesses in New York on which their families depend; have wives, children (in Isidore's case, three minor children), and other extended family in New York; and strong ties to the community. Neither has Israeli citizenship. In addition, if it would provide greater comfort to the Court, the wives and children of both Handlers will surrender their passports for the duration of the trip. Martin will post a property located at 2310 65th Street, IA, Brooklyn, NY 11204, and Isidore will post his residence, a condominium located at 1840 52 St., Apt 21, Brooklyn NY 11204, as additional bond.

To avoid scheduling difficulties, we respectfully request that the Court approve this request before the Handlers reserve the tickets. Pretrial services customarily takes no position on requests for international travel, but informed us that the Handlers have been compliant with the conditions of their pretrial release. We have also conferred with the government, who informed us that it continues to oppose this request for the reasons set forth in its September 29 letter.

Finally, Isidore's passport expired on November 5, 2023 and must be renewed on an expedited basis for him to travel. We therefore respectfully request that Isidore's passport be released to the custody of his counsel in advance of the trip, where it would be held except as needed by the passport agency to effectuate the renewal or for the actual travel. The government has advised that it opposes this request as well.

The Handlers thank the Court for its consideration and are prepared to provide any additional information that may be helpful.

Respectfully submitted,

/s/ Mark Harris

Mark Harris
Hadassa Waxman
Counsel to Martin Handler

Enclosures



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cc: Justine Harris, counsel to Isidore Handler
Raphael A. Friedman, counsel to Isidore Handler
Daniel Wolf, AUSA
Jacob Fiddelman, AUSA
Catherine Ghosh, AUSA
Meherun Mayer, USPO
Stephen Boose, USPO

Although the Court empathizes with Defendants' desire to attend their father's memorial service and tombstone unveiling, due to the ongoing "unpredictable" situation in Israel, their application is denied. *See* Oct. 12, 2023 Order (denying with prejudice Defendants' application to attend memorial and unveiling "[i]n light of the developments in Israel since October 7, 2023"); *see also* U.S. Dep't of State, *Israel, the West Bank and Gaza Travel Advisory* (Nov. 24, 2023) (warning that "the security situation [in Israel] remains unpredictable," citing continued "terrorism and civil unrest").

The Clerk of Court is directed to terminate ECF No. 187.

SO ORDERED.

A handwritten signature in black ink that reads "Jennifer H. Rearden". The signature is fluid and cursive, with the first name being the most prominent.

Jennifer H. Rearden, U.S.D.J.
Date: December 21, 2023